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MAILED

MAR 16 2010

OFFICE OF PETITIONS

In re Application of	:
Marc Charbonneau	:
Patent Number: 7,526,654	:
Issue Date: 04/28/2009	:
Application No. 09/977203	:
Filing or 371(c) Date: 10/16/2001	:
Attorney Docket Number:	:
320528500US	:

DECISION ON
APPLICATION FOR
PATENT TERM ADJUSTMENT
and
NOTICE OF INTENT TO ISSUE
CERTIFICATE OF CORRECTION

This is a decision on the petition filed on June 29, 2009, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred twenty-three (823) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on October 17, 2004 and ends on May 6, 2007, the day before the RCE was filed, and is 932 (not 933) days. See, 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 822 days, not 823 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by eight hundred twenty-two (**822**) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

/ALESIA BROWN/

Alesia Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,526,654 B2

DATED : April 28, 2009

INVENTOR(S) : Charbonneau

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 153 days.

Delete the phrase "by 153 days" and insert – by 822 days--